

EPA Official Record

Notes ID: CF979A228642986388257742005345AD

From: Sylvia Kawabata/R10/USEPA/US

To: Brandon Perkins/R10/USEPA/US@EPA

Delivered Date: 06/14/2010 08:09 AM PST

Subject: Re: Fw: Flint Hills Refinery - Sulfolane Contamination - North Pole, Alaska

thanks Brandon - very good summary of the info. Did Ann Faris ever send you some info on ADEC's status of cleanup for inclusion into our response letter to ACAT's petition?

▼ Brandon Perkins---06/11/2010 02:10:02 PM---Hi Dan, Sylvia and I, had a call with Steve Bainbridge and Ann Farris (Flint Hills Refinery Project

From: Brandon Perkins/R10/USEPA/US

To: Dan Opalski/R10/USEPA/US@EPA

Cc: Sylvia Kawabata/R10/USEPA/US@EPA

Date: 06/11/2010 02:10 PM

Subject: Re: Fw: Flint Hills Refinery - Sulfolane Contamination - North Pole, Alaska

Hi Dan,

Sylvia and I, had a call with Steve Bainbridge and Ann Farris (Flint Hills Refinery Project Manager) on Monday about the PA petition, what it means, and EPA's next steps.

Sylvia explained to Steve the public's ability to petition EPA to conduct PAs and outlined the Superfund management options should the site score above the 28.5 threshold. She also indicated that this site, should it score, would most likely go under a state formal deferral or OCA because DEC is already addressing the site.

Steve expressed concern's about ACAT's statements claiming the state agencies have not taken proper actions to assess exposure pathways/health outcomes and ensure protection of environmental and human health. Sylvia and I both responded to Steve's concerns indicating that we felt ACAT's statements were false/untrue, based on the on-going ADEC work, and that ACAT's statements were not the basis for EPA deciding to conduct the PA. We explained that our reasons for determining a PA was warranted were: 1) EPA's obligations under the NCP to conduct a PA when petitioned, 2) there has been a release to the environment, 3) people are being affected, 4) and to denied ACAT's request would most likely create more problems/issues based on past interactions with ACAT. I believe at the time Steve and Ann both felt those were reasonable justifications, especially reason 4. They asked if in our response to ACAT's PA request, could EPA state our disagreement with their statement about the state agencies actions. We indicated we would do so.

Ann asked why EPA had a sudden interested in the site because RCRA has already had an active role at the site. Sylvia and I briefly explained that RCRA and CERCLA are different programs. I indicated that I would check in with the RCRA Project Manager, Christy Brown, about RCRA's role at the site. Christy indicated that RCRA did have an old order at the facility. But they have not taken an active role at the site because DEC had been very active in addressing the site. She also indicated that Sulfolane is not a RCRA hazardous substance or contaminant therefore they would not be able to address it.

Steve asked if EPA could route all communications to DEC concerning the site to him and Ann. We said we would do so.

Sylvia, did I sum everything up?

I'm not sure why Larry stated attempts to address the concerns at the program level have not been successful. I have been in communication/working with Ann Farris on this since we received the PA petition. I actually spoke with her this morning on another issue about this site and I asked her about this email. In talking with her I gleamed that Larry's main concerns are 1) conducting a PA on this site will automatically lead to listing the site on the NPL, 2) if EPA conducts the PA, the public will perceive that EPA agrees with ACAT's statements in the letter, and 3) RCRA has been involved at the site therefore there is no need for CERCLA.

Hope this helps. Let me know if you need additional information.

Brandon Perkins
Office of Environmental Cleanup
U.S. Environmental Protection Agency, Region 10
206-553-6396

▼ Sylvia Kawabata---06/11/2010 09:20:49 AM---Can you write up in a short briefing to Dan Opalski, our discussions with Steve Bainbridge on ACAT's

From: Sylvia Kawabata/R10/USEPA/US
To: Brandon Perkins/R10/USEPA/US@EPA
Cc: "Dan Opalski" <opalski.dan@epa.gov>
Date: 06/11/2010 09:20 AM
Subject: Fw: Flint Hills Refinery - Sulfolane Contamination - North Pole, Alaska

Can you write up in a short briefing to Dan Opalski, our discussions with Steve Bainbridge on ACAT's petition.

Sent by EPA Wireless E-Mail Services

From: Dan Opalski
Sent: 06/10/2010 11:00 PM EDT
To: "CALVIN TERADA" <terada.calvin@epa.gov>; Denise Baker; "Chris Field" <field.chris@epa.gov>; "Sylvia Kawabata" <kawabata.sylvia@epa.gov>
Cc: "Marcia Combes" <combes.marcia@epa.gov>; "Lori Cohen" <cohen.lori@epa.gov>
Subject: Fw: Flint Hills Refinery - Sulfolane Contamination - North Pole, Alaska
All:

I am sending to Friday actings as well as managers...I am going to take this call with Larry/Dan, though I am encouraging Monday morning rather than Friday because I am scheduled to be off.

I'm a bit short on the details, so I'd appreciate some background. It'd be helpful to have this in advance of talking with Larry, but if not, I'll just be that much more in listening mode and go from there.

Thx, DanO.

From: "Dietrick, Larry V (DEC)" [larry.dietrick@alaska.gov]
Sent: 06/10/2010 05:36 PM PST
To: Dan Opalski
Cc: "Dietrick, Larry V (DEC)" <larry.dietrick@alaska.gov>; "Easton, Dan (DEC)" <dan.easton@alaska.gov>; "Fishwick, Claire (DEC)" <claire.fishwick@alaska.gov>
Subject: Flint Hills Refinery - Sulfolane Contamination - North Pole, Alaska
Dan.....

We would like to discuss EPA's proposed action to conduct a PA/SI at the Flint Hills site in response to correspondence addressed to Dennis J. McLerran, dated May 21, 2010. (attached)

We are requesting elevation of this issue because attempts to address the concerns at the program level have not been successful.

We strongly disagree with the second to last paragraph "..... ADEC and the Alaska Department of Health and Social Services are aware of the situation but have not properly characterized the extent of the sulfolane contamination and have not mandated cleanup of the chemical spill. The state agencies have not taken proper actions to assess exposure pathways/health outcomes and ensure protection of environmental and human health." This is totally unfounded and untrue. It is a complete misrepresentation of the facts and the substantial work that has been completed and that is underway. Such claims are a gross misrepresentation to the public of the actions taken to mitigate the impacts.

For EPA to accept this as a valid premise and ignore what assessment and actions have already been taken such that it is necessary to initiate a PA/SI would be unacceptable. DEC welcomes any constructive comments or identification of any issues or concerns which we have not addressed. To date EPA has offered none and the correspondence does not identify any specific items or examples that have not already been addressed or that would support their claim or that contribute anything to improving protection of public health and the environment that have not already been addressed. The work done to date has met and exceeded a PA/SI and has been made available to EPA for review. We welcome EPA review and input but we cannot interrupt the current aggressive schedule of studies, reports, analysis and other actions that are underway to protect public health and the environment to duplicate what has already been done.

We would very much appreciate your consideration of this matter and will ask Claire Fishwick to try and schedule a time to discuss by phone tomorrow with myself and Dan Easton

We appreciate the good working relationships you have fostered over the years and look forward to addressing the false claims being made about this site.

Thanks, Larry Dietrick 465-5255[attachment "ACAT EPA sulfolane petition letter_5-21-2010.pdf" deleted by Brandon Perkins/R10/USEPA/US]